

Senate Study Bill 1087

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS' AIDE/
OMBUDSMAN BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning whistleblower complaints received by the
2 citizens' aide.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1260DP 82
5 ec/je/5

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1 1 Section 1. Section 2C.11A, Code 2007, is amended to read
1 2 as follows:
1 3 2C.11A SUBJECTS FOR INVESTIGATIONS == DISCLOSURES OF
1 4 INFORMATION.
1 5 The office of citizens' aide ~~shall investigate~~ may receive
1 6 a complaint filed by an employee who is not a merit system
1 7 employee or an employee covered by a collective bargaining
1 8 agreement and who alleges that adverse employment action has
1 9 been taken against the employee in violation of section
1 10 70A.28, subsection 2. A complaint filed pursuant to this
1 11 section shall be made within thirty calendar days following
1 12 the effective date of the adverse employment action. The
1 13 citizens' aide shall review the complaint and make a
1 14 determination of whether to investigate the matter pursuant to
1 15 the requirements of section 2C.12. The citizens' aide shall,
1 16 in an expeditious manner, either issue a report indicating
1 17 that the citizens' aide declined to investigate the complaint
1 18 and the reason for that decision or investigate the matter and
1 19 shall issue a report with findings relative to the complaint
1 20 in an expeditious manner. The report shall be issued to the
1 21 employee and to the director or head of the employee's agency,
1 22 or to the governor if the agency director or head is the
1 23 subject of the investigation, and to the legislative oversight
1 24 committee.
1 25 Sec. 2. Section 70A.28, subsection 6, Code 2007, is
1 26 amended to read as follows:
1 27 6. Subsection 2 may also be enforced by an employee
1 28 through an administrative action pursuant to the requirements
1 29 of this subsection if the employee is not a merit system
1 30 employee or an employee covered by a collective bargaining
1 31 agreement. An employee eligible to pursue an administrative
1 32 action pursuant to this subsection who is discharged,
1 33 suspended, demoted, or otherwise reduced in pay and who
1 34 believes the adverse employment action was taken as a result
1 35 of the employee's disclosure of information that was
2 1 authorized pursuant to subsection 2, may file an appeal of the
2 2 adverse employment action with the public employment relations
2 3 board within thirty calendar days following the later of the
2 4 effective date of the action or the date a finding report is
2 5 issued to the employee by the office of the citizens' aide
2 6 pursuant to section 2C.11A. The ~~findings~~ report issued by the
2 7 citizens' aide may be introduced as evidence before the public
2 8 employment relations board but the citizens' aide or any
2 9 member of the citizens' aide staff shall not be compelled to
2 10 testify before the board with respect to the report. The
2 11 employee has the right to a hearing closed to the public, but
2 12 may request a public hearing. The hearing shall otherwise be
2 13 conducted in accordance with the rules of the public
2 14 employment relations board and the Iowa administrative
2 15 procedure Act, chapter 17A. If the public employment
2 16 relations board finds that the action taken by the person
2 17 appointing the employee was in violation of subsection 2, the
2 18 employee may be reinstated without loss of pay or benefits for
2 19 the elapsed period, or the public employment relations board

2 20 may provide other appropriate remedies. Decisions by the
2 21 public employment relations board constitute final agency
2 22 action.

2 23 EXPLANATION

2 24 This bill relates to whistleblower complaints submitted to
2 25 the office of citizens' aide. The bill provides that the
2 26 citizens' aide may decline to investigate a whistleblower
2 27 complaint in the same manner as the citizens' aide may decline
2 28 to investigate other complaints filed with the office. The
2 29 bill also requires the citizens' aide to issue a report if the
2 30 office declines to investigate a whistleblower complaint, with
2 31 the reason for that determination. The bill further provides
2 32 that the report issued by the citizens' aide, whether the
2 33 citizens' aide declines to investigate or does investigate and
2 34 issues findings, shall be provided to the
2 35 complainant=employee, the director or head of the employee's
3 1 agency, or to the governor if the agency director or head is
3 2 the subject of the investigation, and to the legislative
3 3 oversight committee. The bill further provides that the
3 4 citizens' aide or any staff member of the citizens' aide shall
3 5 not be compelled to testify about any report it issues
3 6 relative to a whistleblower complaint before the public
3 7 employment relations board.

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